

ALLIED INTERNATIONAL UNION, AN UNINCORPORATED LABOR ORGANIZATION

Plaintiff(s)

Index # 08 CV 3357 (HELLERSTEIN)

- against -

Purchased April 4, 2008

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 32BJ, AN UNINCORPORATED LABOR ORGANIZATION, ETAL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on April 9, 2008 at 01:03 PM at

101 AVENUE OF THE AMERICAS
NEW YORK, NY 10013

deponent served the within SUMMONS AND COMPLAINT; INDIVIDUAL RULES OF THE HONORABLE ALVIN K. HELLERSTEIN; INDIVIDUAL PRACTICES OF JUDGE FRANCIS; 3RD AMENDED* on NEIL DIAZ therein named,

SUITABLE AGE

by delivering thereat a true copy of each to JUDY PADOW, ATTORNEY a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BROWN	50	5'5	135

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

101 AVENUE OF THE AMERICAS
NEW YORK, NY 10013

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on April 10, 2008 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

* INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; PROCEDURES FOR AN ELECTRONIC CASE FILING

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: April 10, 2008

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Expires February 10, 2010

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified in New York County
Expires November 26, 2011

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Expires December 4, 2010

BYRAN E. MCELDERRY

License #: 869802

Invoice #: 460526